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ATTORNEYS AT LAW

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(*Also Admitted in North Dakota)

August 11, 2016

TO: Regional Freedom of Information Officer
U.S. EPA, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
(913) 551-7003

Plaintiff, City of Beatrice, by and through its counsel of record, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, request the following documents be made available to me for inspection and copying.

All documents request relate to the Beatrice Former Gas Manufacturing Plant Site (Beatrice FMGP) at approximately First and Market Streets, Beatrice, Gage County Nebraska (hereinafter "Site"). This Site was the subject the proceeding captioned *In the Matter of Former Manufactured Gas Plant Site Beatrice, Gage County, Nebraska*, Docket No. CERCLA -07-2006-0109 (US EPA Region 7) (hereinafter "EECA Proceeding").

This Site was also the subject of two other proceedings which I believe have been closed when site administration was transferred to the Nebraska Department of Environmental Quality (NDEQ) in August 2015. These proceeding were: *In the Matter of Former Manufactured Gas Plant Site Beatrice, Gage County, Nebraska*, NEN00704084, Docket No. CERCLA -07-2015-0001 and RCRA -07-2015-0020 (hereinafter "Removal Action").

The Documents Requested are:

1. All letters, correspondence, records of communication, documents reviewed, internal memorandum and documents of decisions relating to investigation of or determination of liability or non-liability of any person who might be or was considered as possibly liable as a Potentially Responsible Party ("PRP") for the Site for the purposes of the EECA Proceeding including without limitation:

- a. Aquila, Inc., A Delaware Corporation, formerly doing business as Peoples Natural Gas Company;
- b. The BNSF Railway;
- c. Centel Corporation formerly known as Utilicorp United, Inc.;
- d. City of Beatrice; and
- e. Any other person.

2. All letters, correspondence, records of communication, documents reviewed, internal memorandum and documents of decisions relating to investigation of or determination of liability or non-liability of any person who might be or was considered as possibly liable as a Potentially Responsible Party ("PRP") for the Site for the purposes of the Removal Action including without limitation:

- a. Aquila, Inc., A Delaware Corporation, formerly doing business as Peoples Natural Gas Company;
- b. The BNSF Railway;
- c. Centel Corporation formerly known as Utilicorp United, Inc.;
- d. City of Beatrice; and
- e. Any other person.

3. All documents or records which are originals or copies of any bills, demands and requests made by EPA to any person for reimbursement of its Response Costs for the Site;

4. All documents or records of any and all payments received by the EPA for reimbursement of its Response Costs for the Site;

5. All reports or summaries of investigations of the Site for hazardous wastes which investigation occurred prior to October 1, 1996. At this time, I only want the final reports and not any of the documentation or other correspondence which may be related thereto

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am an attorney representing the City of Beatrice in connection with the EECA Proceeding and the Removal Action. I also represent the City of Beatrice in connection with the Voluntary Cleanup Program now proceeding before the NDEQ.

I am willing to pay fees for this request up to a maximum of \$500. If you estimate that the fees will exceed this limit, please inform me first.

If, for any reason, any portion of this request is denied, please inform me of the reason for the denial in writing, and provide the name and address of the person to whom an appeal should be directed.

The Freedom of Information Law requires a response within ten (10) business days of receipt of the request.

Thank you for your consideration of this request.

Sincerely,



Victor E. Covalt III
Attorney at law for the City of Beatrice